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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 15 April 1996 from the Permanent Representative of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights

Herewith I have the honour to forward to you* the comments of the Government of the Republic of Croatia on the report by the United Nations Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1996/63 of 14 March 1996).

I should kindly like to ask you to distribute the said comments as an official document of the fifty-second session of the United Nations Commission on Human Rights.

(Signed): Neven MADEY
Ambassador
Permanent Representative

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ANNEX

1. The Croatian Government has very carefully considered the Report by the UN Special Rapporteur for Human Rights Ms. Elisabeth Rehn and asked the responsible ministries and Government offices to give their comments on the allegations in the said Report within their respectful competency.

2. The Croatian Government attaches great importance to the promotion of its system of implementation and protection of all civil rights and freedoms in Croatia. The Croatian Government has established the Co-ordination for Human Rights, headed by the Deputy Prime Minister, Dr. Ljerka Mintas Hodak, which cooperates with the Presidential Office, various ministries and government offices, non-governmental organizations concerned with human rights and other institutions, as well as with the Ombudsman's Office, numerous international organizations and the international community.

3. The Government's Co-ordination for Human Rights is starting to set up it's own commissions at county levels (Croatia is divided into 20 counties). Arrangements are also being made to establish county offices of the Ombudsman in every regional centre. Furthermore, the Government will form counselling services for human rights, working alongside judicial institutions, in every Croatian town from where such judicial institutions operate.

4. The Croatian Government has paid particular concern for human rights, through the installation of human right issues into nationwide educational programmes. An expert group has been set up consisting of the representatives of the Government, the Ministry of Education, principals of primary and secondary schools, and university Chancellors. These groups are already preparing a curriculum based on UN literature and other works by internationally recognized experts in the field of human rights. In this respect, Croatia will closely cooperate with UN institutions (UNICEF, UN Centre for Human Rights, etc.) and awaits technical assistance and advisory services as provided by the UN Technical Cooperation Branch of the said UN Centre for Human Rights.

5. For the last three years, the Croatian Government has established a close working relationship with the UN Field Office for Human Rights in Zagreb and has approved the recently opened UN Field Office in Erdut.

6. The following paragraphs are the Croatian Government's comments in response to the points raised by the Special Rapporteur in her report:

(A) FURTHER DEVELOPMENTS IN THE SO-CALLED "KRAINA"

7. The Croatian Government is paying special attention to the implementation of legal measures within its responsibility, to ensure the exercise of human rights and freedoms, in particular, in establishing conditions of maximum safety, public order and peace in recently liberated areas to enable overall normalization of life and the return of displaced persons in these parts.

To this end, immediately after the liberation of the former Sectors North and South and according to a previously elaborated plan, the Ministry of Interior deployed in these areas, the requisite number of police officers specially trained for carrying out all such security and administrative tasks.

It should be reiterated that the Croatian Government has responded to all reported or discovered cases of punishable acts, by taking legal measures to identify and prosecute the perpetrators in question.

Right to life

8. (para. 65 of the Report)

Concerning the murder of a Serb couple in the village of Jezerce near Plitvice on 26 February 1996, the police have caught the perpetrators and brought them before the responsible investigative authority.

With regard to the two separate murder cases of two elderly women in late January 1996 in the villages of Bilišani near Obrovac, (victim: Milica Olujić, born in 1911) and Ljubović near Gračac (victim: Marija Žutić, born in 1938), these have not been clarified to date, consequently the police are taking further action to detect the perpetrators involved.

9. (para. 66 of the Report)

Following the combined military/police operation "Storm", the police recorded 57 murder cases up to 28 February 1996, of which 33 cases have been resolved and 24 perpetrators have been reported to the responsible judicial authorities. As to the remaining unresolved cases, the police are taking intensive measures to identify the perpetrators in question.

10. (para. 67 of the Report)

Regretfully, the investigation of the killing of five civilians in the village of Grubori on 25 August 1995, has not yielded any results so far, consequently, further investigative measures are being taken to shed light on this serious crime. As stated in earlier documentation, the criminal police arrived at the scene as soon as these murders were reported, and identified all five victims.

It was not possible to inform the victims' families of the respective deaths, as most of the local Serbian community had fled from the liberated under the influence of their self-styled civil and military leaders, therefore, the victims were buried in Knin cemetery in accordance with the Geneva Conventions and current regulations.

It should be noted that the Ministry of Interior has in its possession, basic data as to the location of discovery and burial of all identified and unidentified bodies found after Operation "Storm".

11. In the combined military/police operation "Storm", intended to liberate the occupied areas of Croatia, all members of the armed forces were placed under strict orders by their Supreme Commander to respect human rights.

The legal system of the Republic of Croatia also operates in the liberated areas.

The Croatian armed forces have taken efficient measures to prosecute any punishable acts committed by their members. Thus, criminal charges have been brought against some members of the Croatian armed forces in which proceedings have reached various stages.

The right to property

12. (para. 68 of the Report)

Having reviewed the case alleged in the Report of a theft reported by an old woman and her daughter in Kistanje on 1 December 1995, the police have found that at that given time, no such incident was reported by anybody from Kistanje. During an additional field investigation on 2 April 1996, no inhabitant of Kistanje could confirm these allegations.

Concerning the other incident of 9 February 1996 in Biskupija near Knin, the police interviewed at the station, several persons found to be extracting construction material from an abandoned house. They were questioned and charges were brought against them.

In the alleged case of the looting of a Serb woman's property in the village of Ervenik, the police have no knowledge thereof, since no such incident was reported to them.

As for the opinion stated in the Report that "there is little evidence of reinforced police presence in the former sectors", it should be noted that immediately following Operation "Storm", intensified police patrols were deployed throughout the area in an attempt to prevent any such criminal behaviour.

13. (para. 69 of the Report)

From the completion of the military and police operations until 1 April 1996, a total of 893 cases have been recorded in respect of partially/totally destroyed houses resulting from arson attacks or the planting of explosives.

It should be pointed out that observations made during criminal investigations of these cases, confirmed that these were incidents of the deliberate destruction of abandoned houses.

So far the police have solved 39 of these cases and brought charges against 39 perpetrators.

As for the cases of grand larceny in the liberated areas, by 18 March 1996 the police recorded 2,174 acts of which 1,441 have been clarified and charges brought against 2,008 perpetrators.

14. (para. 70 of the Report)

Between August 1995 and February 1996 a total of 1,782.4 tons of relief supplies were transported by the Government Office for Displaced Persons and Refugees to those areas liberated in Operation "Storm". All these humanitarian supplies have been distributed regardless of the nationality of the beneficiaries.

For elderly, invalid and abandoned persons two reception centres (Knin and Petrinja) have been opened and additional centres are about to be set up. For all the needy in these areas, a permanent humanitarian campaign "Save the Life" has been organized by the Croatian authorities (the Ministry of Labour and Welfare, Ministry of Health and Government Office for Displaced Persons and Refugees in conjunction with their local and regional services), jointly with domestic and foreign humanitarian organizations, whose teams are touring the area on a daily basis bringing relief supplies to the needy persons and helping them (Croatian Red Cross, International Federation of the Red Cross and Red Crescent Societies, etc.). Assistance is also provided to those requiring identity documents and other legal assistance. Many of these persons receive humanitarian and financial aid direct to their homes, without the need to seek assistance from local offices.

15. The Ministry of Labour and Welfare continues to take regular measures to protect the elderly and the sick in the liberated areas of the former sectors West, North and South. Emergency measures (disbursement of "one-off" allowances) were taken immediately after the completion of operations "Flash" (May 1995) and "Storm" (August 1995) and were continued within the "Save the Life" campaign, initiated in November 1995. The Agreement on Humanitarian Cooperation was signed between the Ministry of Labour and Social Welfare of the Government of the Republic of Croatia and the International Federation of Red Cross and Red Crescent Societies Delegation in Croatia (27 November 1995), which provided for the accommodation and care of 200 elderly and abandoned persons at a retirement home in Petrinja and at Knin Hospital.

Financial assistance amounting to 200 Kunas per household was provided on three occasions. In Western Slavonia financial assistance was received by 2,522 households comprising 6,050 persons and in Banovina, Kordun, Lika and Northern Dalmatia by 4,934 households or 7,135 persons, making a total of 7,456 households with 13,185 family members in the total amount of 2,006,222 Kunas.

After the third payment of financial assistance (December 1995), the beneficiaries have been included in the regular welfare system operating within the framework of the Welfare Act and pertaining by-laws, provided that they meet the requirements as defined in these current regulations.

In Western Slavonia the Welfare Centre was restored in Pakrac and its Nova Gradiška branch opened in Okučani.

In Banovina, Kordun, Lika and Northern Dalmatia, immediately after liberation, welfare centres were restored in Glina, Petrinja, Knin, Drniš and Benkovac and new such centres opened in Hrvatska Kostajnica, Slunj, Topusko, with branches in Vojnić, Vrginmost, Dvor, Korenica, Obrovac, Gračac and Donji Lapac.

In cooperation with local authorities, these welfare centres and their branches have been given properly adapted working premises with the necessary equipment (office furniture, telephone and telefax lines, cars, etc.). For this purpose, the Central Welfare Fund has provided 750,000 Kunas. The main problem of the newly established welfare centres, however, is a lack of professional and lay staff. As a result, the Ministry of Labour and Welfare has come up with a proposal to the Croatian Government to employ the requisite number of persons.

The main task of the "Save the Life" campaign was to precisely establish the number, age, proprietorship, health status and ethnic composition of abandoned people for in order to accommodate them and care for them in adequate welfare and health institutions. A total of 9,773 persons have thus been recorded. All of those willing to sign a statement to this effect, have been placed in institutions, whereas 500 refused such accommodation, even though they were as assessed by social workers as in need of such. For those who were not accommodated in institutions, arrangements during winter were made for the provision of humanitarian aid in clothes, footwear, food, fuel and toiletries. Aid was organized in cooperation with international organizations and the Croatian Red Cross.

Welfare institutions for the elderly and sick throughout Croatia have taken in 148 persons. In addition, 63 persons have been accommodated in a branch of the Zadar Retirement Home located on the second floor of the Knin Hospital, as approved by the Ministry of Health and the Zadar-Knin County authorities. In the "Otok mladosti" refugee centre of Obonjan, 36 persons, mainly from the Šibenik County, have been accommodated. The renovated retirement home in Petrinja accommodates 90 persons and the old hospital building in Petrinja, 42 persons. Therefore, a total of 379 documented persons are accommodated in welfare institutions.

Based on data provided, preparations are being made for interested international and national bodies, for the implementation of optimum protective measures for elderly and abandoned persons in the liberated areas. Steps have also been taken for the listed persons to obtain Croatian identity documents, necessary for the enjoyment of welfare rights under Croatian legislation.

16. With regard to the issuing of identity documents to citizens living in the liberated areas, the Ministry of the Interior organised through police stations in these areas, all its administrative tasks but due to technical reasons, it was unfeasible to issue initially, identity documents from every police station.

Based on applications submitted, by 18 March 1996, 4,192 orders were issued for entry into the register of citizens, out of 6,525 applications for Croatian citizenship, 15,580 identity cards were issued out of 16,612 applications, and 5,394 passports were issued out of 6,357 applications.

As reported by the Ministry for Administration, offices for vital statistics within the liberated areas have issued 13,143 certificates of citizenship from 14,002 applications.

This Ministry has done its best to issue identity documents so as to enable the people in liberated areas to exercise their civil rights. As soon as the police and other civil authorities entered the liberated areas, the people there, were regularly informed through mass media on matters concerning the issuing of necessary identity documentation.

17. The identity documents being issued by the Ministry for Administration and their county offices are excerpts and certificates from state registers of vital statistics (births, marriages, and deaths), including the certificates of citizenship issued from the register of citizens. These documents are issued by registry offices acting as sections of county administration offices, in compliance with the actual entries in the registers.

Out of a total of 752 registry offices in Croatia, 183 of these were inaccessible during the war. 70 offices are still inaccessible in the area of Osijek-Baranya and Vukovar-Sriem Counties.

In the former sectors North and South, 105 registry offices were inaccessible. After their liberation some of these offices were found completely destroyed, in 30 registry offices state registers and registers of citizens were missing, whereas in two registry offices only the registers of citizens were missing. Recovered registers include those partially damaged and thus renders the issuing of official documents impossible in some cases.

The citizens whose entries are in missing or destroyed state registers, are advised to renew the registration procedure or produce alternative evidence as to personal identity, as required by law.

In cases of destroyed registers of citizens, there is no renewed registration procedure. Citizens in these cases are referred to the competent police authorities for the purpose of establishing the fact of citizenship.

It is only under the afore-mentioned circumstances that the issue of identity documents require a certain period of time, but if records are available, these documents are then issued in accordance with the procedure prescribed for the issue of certificates.

18. (para. 71 of the Report)

The dismissal of workers from enterprises in Western Slavonia (an area badly damaged during the war, with many displaced persons and refugees and returnees currently being partly cared for by the Government Office for Displaced Persons and Refugees) was due to the poor state of the economy, as many as 17% of the Croatian citizens of working age are unemployed, some for several years. Hence, it is not a question of discrimination on ethnic grounds. At the same time, after the partial demobilization of Croatian servicemen, about 40,000 people have become unemployed, the majority being former displaced persons, and now returnees to the liberated areas. Generally, the acute problem in the liberated and war-effected is unemployment and slow economic recovery. This impact of this problem is felt by all Croatian citizens and cannot be pinpointed to a particular ethnic background.

19. The Labour Office has set up new local services and branches in the liberated areas to help people there and to compile records of those unemployed. A total of 3,977 people have been registered as unemployed in liberated areas and in terms of rights and obligations, they are equal to other unemployed citizens of Croatia.

The National Fund for Retirement Pensions and Disability Allowance for Croatian employees has assisted the people in the liberated areas by resuming its activities and dealing with their applications for continued pension and disability benefits. Up to 28 February 1996, a total of 3,940 applications to this effect have been received and resolved (3,472 or 88%), whereas the procedure for the rest (468 or 12%) is underway. Those applications which have been accepted have been receiving their pensions since 1 May 1995 (Western Slavonia, earlier liberated), and since 1 August 1995 (Banovina, Kordun, Lika, Northern Dalmatia).

Detention issues

20. (para. 72 of the Report)

In connection with the complaints concerning the criminal defence proceedings of the people detained after Operation "Storm", the Ministry of Justice issued instructions for the respective courts to meet the demands by the UN personnel, particularly with regard to following the course of natural justice and visiting prisons, in accordance with our regulations.

In its circular letters, the Ministry of Justice also instructed the courts, before which the abovementioned proceedings were conducted, to proceed as quickly as possible, which - considering the workload - they did.

Since we have noticed that a large number of complaints was due to the lack of knowledge of our regulations, we find it necessary to point out the following:

After the suspect has been brought before the investigative judge, he/she shall, in the sense of the provisions of the Criminal Procedure Act, be informed of the allegations against him or her, as well as being informed of their legal rights, particularly the right to a defence counsel at the first stage of questioning. They may, but are not obliged, to exercise this right. However, if for a particular offence carries a prison term of 10 or more years, the accused shall be appointed a defence counsel ex officio in compliance with the provisions of the Criminal Procedure Act.

Special attention should be given to differentiating between the legal principle of "obligatory defence" and appointing a defence counsel "ex officio". The provision of Article 65 of the Criminal Procedure Act provides and prescribes the legal principle of "obligatory defence" ("If the accused is mute, deaf, or incapable of competently defending him or herself, or if the proceedings are conducted with regard to a criminal offence for which the pronounced sentence carries a prison term of 20 years, pronounced, the accused must have a defence counsel already at the first interview.") The provision of item 2 of the quoted paragraph determines the following: "When the accusation has been brought forward with regard to the criminal offence for which, in conformity with law a sentence to a prison term of 10 years or more may be pronounced, the accused must have a defence counsel at the time of serving the accusation."

Thus, the "obligatory defence" is one that must be provided in the case mentioned in Article 65, para 1 (such defence may already be provided during the investigation, under the abovementioned conditions), whereas the "ex officio defence" is only possible after the accusation has been brought, if in conformity with law a sentence to a prison term of 10 years or more may be pronounced in the respective case.

Since the provisions of the Criminal Procedure Act are clear and our courts are obliged to apply them, it is indisputable that the court proceedings were conducted in conformity with law.

All reports by the UN officials after the "Storm" military and police operation raises the issue of the difference between their and our information with regard to the number of murder cases and the scope of property damage, as well as the issue of insufficient number of proceedings for arson. The reasons for this is that the UN personnel do not differentiate between the persons killed during the operation due to combat action and the persons killed in the perpetration of criminal offences; the military and police actions also gave rise to a substantial destruction of property in the combat areas.

Return of the Croatian Serb refugees

21. (para. 73 of the Report)

By 28 March 1996 the Government Office for Refugees and Displaced Persons received data on 14,000 people who left the Republic of Croatia during the "Flash" and "Storm" military and police operations and subsequently expressed their wish to return. Of this number, 6,351 applications have been processed, of whom 3,693 have been granted applications for return, while the remaining 2,658 applications are still being processed. According to our information, another 10,000 persons have returned under other titles.

22. The Parliament of the Republic of Croatia passed the Act on the Amendment of the Act on Temporary Taking over and Managing Specific Property (17 January 1996), by which the time limit for the return of the persons who abandoned their property has been lifted.

Under the abovementioned Act, if the owner of a property returns to the Republic of Croatia he is entitled to use his or her property. If in such property displaced persons or refugees have been temporarily accommodated and the owner requests the return of the property into his or her possession, the Commission will repeal the ruling by which the property was handed over to displaced persons or refugees for their temporary use. The displaced persons and refugees shall reach an agreement with the Commission on guarding the respective house, outbuildings and chattels.

Legal issues

23. (paras. 75 and 76 of the Report)

With regard to the establishment of the Provisional Human Rights Court we hereby inform you that the Council of Europe, at the invitation of the working group drafting the bill on the establishment of the Provisional Human Rights Court, sent its experts, and working sessions were held in February and March 1996. In the last session, attended by the legal experts of the Venice Commission, as experts who specialized in constitutional legal matters, the conclusion reached was that the establishment of a such tribunal under the actual circumstances would be unnecessary. Since in the Republic of Croatia there is the Constitutional Court as the court of the last resort to protect human rights, and since at the same time the Republic of Croatia is expected to be admitted to the membership of the Council of Europe soon (which includes the jurisdiction of the European Human Rights Court), the legal experts concluded that through the aforesaid human rights will be more than protected in the Republic of Croatia and that other legal protection mechanisms will fully protect human rights in the Republic of Croatia (on which they will submit a report in writing). The ratification of the Protocol to the International Pact on the Civil and Political Rights has also been underscored again together with the individual right to complaint about human rights violations to the UN Human Rights Committee.

Illegal and Forcible Evictions

24. (para. 77 of the Report)

In regards to cases involving evictions and police actions, the Ministry of the Interior, at the request by courts and other authorised bodies, enforces their final judgement and decision. The Ministry is obliged to render its assistance particularly in cases when the execution of such decisions is violently resisted or where such resistance may reasonably be expected. Therefore, such assistance is only rendered in the enforcement of the decisions by courts and other authorised bodies which have already decided on someone's right.

In cases until now, where members of the Ministry of the Interior have acted in evictions, no force was used nor was anybodies rights and freedoms were violated.

25.

The Ministry of Defence, in accordance with the current regulations of the Republic of Croatia, in cases where a flat administered by the Ministry of Defence is illegally moved into, the Ministry of Defence initiates an eviction procedure through the attorney of the Republic of Croatia, that is, the Croatian Public Prosecutor's Office. This procedure is conducted before a regular court or an administrative body, depending on the jurisdiction. The eviction is then carried out on the basis of a final court ruling or decision of the administrative body in accordance with the current regulations. One should also take into account the Decision of the Croatian Constitutional Court that the Decree on the Ban on the Disposal of Real Estate on the Territory of the Republic of Croatia ("Narodne Novine", No. 36/91) is not in contravention of the Croatian Constitution.

In regards to the issuing of temporary decisions on the use of flats by the Housing Commission of the Ministry of Defence, we point out that these decisions were adopted by the Commission for the Temporary Use of Flats, established in Zagreb in accordance with the Law on the Temporary Use of Flats ("Narodne Novine", No. 66/91). The Commission is an independent body and acts independently of the Ministry of Defence. Under the Law it had a direct authority to assign temporary use flats owned by the Republic of Croatia, which were taken over under the Decree on Transferring the Ownership of the Assets of JNA and SSNO on the Territory of the Republic of Croatia to the Republic of Croatia ("Narodne Novine", No. 52/91).

The government's decision on Authorizing the Ministry of Defence to Administer Flats, Garages and Business Premises Owned by the Republic of Croatia ("Narodne Novine", No. 56/92), has authorised the Ministry of Defence to administer these flats. Under point II and III of this Decision, the Minister for Defence has established the Housing Commission of the Ministry of Defence and adopted the Regulations on Administering the Housing Buildings Owned by the Republic of Croatia and Administered by the Ministry of Defence.

All decisions on the use of flats were adopted under this criteria in accordance with the procedure prescribed by the aforementioned Law and the defined priorities, observing the relevant provisions of the Housing Law.

26. (para. 78 of the Report)

The case which occurred in Split on 10 October 1995 has been fully examined and filed for further procedure by a specialised public attorney.

27. (para. 80 of the Report)

All applications made by the competent court in regards to a final decision are made so that the decision are encompassed by law and in exceptional cases, a final decision may be forgone.

Kupljensko

28. (para. 84 of the Report)

About 4,500 people are still in the Kupljensko camp. The living conditions in the camp are difficult, but they are getting better due to the efforts taken in cooperation with the international community. Basic health care is provided in the camp, such as surgery, dentist, pediatrician and maternity room, while serious patients are treated in Croatian hospitals. The existing plumbing has been expanded. From August 1995 until the end of March 1996 almost 9,000 tons of humanitarian aid have been delivered to the camp.

The total of 17,000 inhabitants of Velika Kladuša have returned home (approximately 13,000 from Kupljensko and approximately 4,000 from Turanj, last year). The Office, in cooperation with UNHCR and the competent government agencies in the Republic of Bosnia and Herzegovina, are negotiating the return of about 2,000 persons to the region of Velika Kladuša. The Office is preparing the accommodation for approximately 2,500 persons (soldiers and their families) in existing facilities in Croatia.

29.

The return of refugees has been accelerated by the signing of the protocol between Turkey, Bosnia and Herzegovina and Croatia on the participation of a joint police force for the organized and safe return.

30. (para. 85 of the Report)

The security in the camp was threatened: there have been three cases of murder, several cases of rape, several cases of inflicting minor or serious injuries in fights, unauthorized trade and hindering a voluntary departure from the camp for the purpose of returning to Bosnia and Herzegovina, and attacks against policemen in the camp by firearms or explosives. Therefore, the police were obliged to take appropriate preventive and repressive measures, in cooperation with the competent inspectorates of other ministries, to reestablish the security in the camp.

The action was conducted on 1 February, in accordance with legal powers, without the use of coercion or the abuse of authority. Members of UNHCR were informed about its purpose, which they approved it and expressed their appreciation for the efficient cooperation with the action command.

31.

During the action 69 refugees were brought to the police station, of which 21 were returned to the refugee camp after the criminal investigation was complete.

Two people were brought before the investigative judge of the County Court in Sisak, on founded suspicion of having committed the crime of unauthorized possession of arms and explosives. 46 people were brought before the municipal magistrate of the County of Karlovac, under founded suspicion of having committed offenses from the Aliens Act and certain offenses within the competence of inspection services of the Ministry of Economy.

These people were provided with appropriate accommodation and food during the crinimal investigation or mandatory proceedings before the competent courts, and the staff of the Red Cross and UNHCR were able to communicate with them.

32.

We point out that these people were arrested after numerous serious crimes were committed in the camp, including several cases of murder, rape and grand larceny. UNHCR requested the Croatian government several times to take appropriate measures to secure the order and security in the camp.

33. (para. 86 of the Report)

In March 1996, the refugees in Kupljensko finally agreed that some of them would return to the area of Velika Kladuša and the others would be accommodated in other refugee facilities in Croatia.

According to the recent talks between the representatives of Bosnia and Herzegovina, Croatia and UNHCR, the issue of Muslim refugees will soon be solved and the Kupljensko camp closed.

THE REGION OF EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIUM (Chapter III of the Report)

34. (para. 94 of the Report)

Before the war there were 86,366 Croats, 67,567 Serbs, 12,954 Hungarians and 26,896 members of other ethnic groups living in the now occupied territory of Eastern Slavonia, Baranja and Western Sirmium. The total of 193,513 Non-Serbs were an absolute majority, i.e., 65% or 125,216. Of them 77,000 now live as displaced persons in Croatia and about 15,000 are either abroad or have not registered with the Office as displaced persons for personal reasons (8-10% of all displaced persons).

Between 1991 and 1 April 1996 not a single displaced person from Eastern Slavonia, Baranja or Western Sirmium returned home.

The figure of 80,000 Serbs who settled in this region after the "Flash" and "Storm" actions is exaggerated, as the total number of people who left the liberated area does not exceed 135,000 (100,000 civilians and 35,000 soldiers). However, of all the people who settled there after they left the free Croatian territory, only 46 (according to the Office data from 1 April 1996) applied to return to the free territory. Of these persons 10 have already obtained permission, while the other requests are still being solved.

35.

Under the Croatian estimate (Office of the Transitional Administration in Osijek), only between 80,000 and 100,000 persons live in the region of Eastern Slavonia, Baranja and Western Sirmium. This number includes non-Serbs who remained there (20,000). The number of settlers is certainly smaller than asserted by the Serbian side (the Croatian estimate is between 3 and 4 thousand settlers after the "Storm" action). It should be taken into account that under the 1991 Census 67,567 Serbs lived in the area and that the Serb population steadily emigrated to Serbia and other countries even before the "Flash" and the "Storm" actions, like it was the case in other formerly occupied territories (although to a lesser extent because they are not so close to Serbia).

The Serbian side asserts that more than 180,000 people lived in the occupied territory of Eastern Slavonia, Baranja and Western Sirmium, among which there are many settlers from other parts of Croatia.

According to UNTAES data, there are between 150,000 and 170,000 residents in those areas. This data is also recognized by Mrs. Rehn in her report, stating that the region is overpopulated (the population density is somewhat smaller than before the war according to the Serbian data as well). This data presents that the population density is almost the same as before the war, when 193,000 people lived there. This is absolutely wrong, given that there was a war in the region, that more that 80,000 people were driven away to other parts of Croatia or abroad, and that many places are torn down, so that it is not possible for many people to settle in the region.

36. (para. 95 of the Report)

According to the Croatian data, until the beginning of the "Flash" action about 21,000 non-Serbs (Croats, Hungarians) still lived in the region. Some of them were driven away after the police and military actions of liberating the occupied territories (e.g. 79 Croats from Bapska near Ilok, in May 1995). Living and security conditions deteriorated particularly after the "Storm" action, when a part of the Serbs who left other parts of the Republic of Croatia settled there, which is seen from the letters received by our Office. People constantly ask the Office to help the members of their families in this still occupied part of Croatia.

37.

The Government Office for Refugees and Displaced Persons does not operate under the ethnic principle and does not discriminate against refugees and displaced persons on the basis of their ethnic group or nationality.

At present Croatia cares for 179,628 displaced persons, 16,867 returnees and 185,753 refugees registered with our Office. Croats make 93.65% of all displaced persons, including the returnees to the liberated parts of Croatia, Serbs 2.46%, Hungarians 1.77% and others 2.12%. Croats make 72.88% of all refugees, Bosniaks 25.15%, Serbs 0.85% and others 1.11%.

Since the beginning of the refugee crisis in Croatia, the government has allocated 2 billion DM from its budget for the care of refugees and displaced persons, compared to the total international financial aid of 160.5 million DM received in the same period (humanitarian aid not included). For example, our current monthly cost of displaced persons and refugees (whose number is slightly smaller than last year) is the total of 10 million DM. At the same time, the programme of the financial aid of the UN High Commissioner for Refugees to the Croatian Government for the care of displaced persons and refugees envisages 11.5 million DM (8 million US$) for the whole 1996.